

### REMARKS

Claims 1-17 have been cancelled. New claims 18-38 have been added. Support for new claims 18-38 can be found throughout the specification and the originally filed claims. Applicants respectfully traverse these rejections made as applied to claims 1-17 based on the following discussion.

#### **I. The Prior Art Rejections**

The Examiner rejected claims 1-17 under 35 U.S.C. §103(a) as being unpatentable over Vaidya (U.S. Patent No. 6,279,113), hereinafter referred to as Vaidya in view of Spiegel (U.S. Patent No. 6,954,765), hereinafter referred to as Spiegel. As stated above, claims 1-17 have been cancelled and new claims 18-38 have been added. In so far as the rejections may apply to new claims 18-38, Applicants respectfully traverse these rejections based on the following discussion.

##### **A. The 103(a) Rejection Based on Vaidya and Spiegel**

Vaidya teaches a signature based dynamic network intrusion detection system which includes signature profiles which relate to characteristic of known security network violations.

Spiegel discloses a method for updating a file in a fragmented file system. The system disclosed in Spiegel uses specific algorithms to identify and process file fragments.

The claimed invention, as provided in newly presented independent claims 18, 23, 30 and 37 recite features, which are patentably distinguishable from the prior art references of record. Specifically, the claims recite the limitation, not disclosed in either reference, where the method

comprises the step of: "simultaneously transferring said packets of said data to a network intrusion detection system and a monitored end-system."

Vaidya fails to disclose this recited limitation. It is understood that the references cited under 35 U.S.C. 103(a) must teach each and every element of the claimed invention. The Examiner asserts that Vaidya discloses a method of normalization of traffic data that is simultaneously transferred and cites col. 5, lines 5-26 of Vaidya in support of this position. At best, Vaidya discloses a network intrusion detection system, a monitored end system and a data collector, which the Examiner interprets to be a normalization table. However, Vaidya does not disclose the simultaneous transfer of packets of data. Indeed, the nearest concept disclosed in Vaidya relates to associating "a subsequent packet . . . with the same application session." See column 7, lines 60-62. This disclosure does not relate at all to the limitation recited in the claims, and in so far as the timing of transfer is concerned relates to sequential transferring of packets of data rather than the simultaneous transfer. For the foregoing reason, Vaidya neither teaches nor renders obvious the invention of the instant claims and in fact by disclosing the sequential transfer of data packets teaches away from the invention as claimed.

The Examiner cites Spiegel to overcome the failure of Vaidya to disclose redirected, modified or discard packets. Spiegel, like Vaidya, fails to disclose each and every limitation of the claimed invention. Spiegel fails to teach or imply the recited limitation that the packets of data are simultaneously transferred to a network intrusion detection system.

Dependent claims 19-22, 24-29 and 38 are also free of the cited art by virtue of their dependency upon claims 18, 23, 30 and 37 discussed above. Moreover, the Applicants note that all claims are properly supported in the specification and accompanying drawings, and no new

matter is being added. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections.

## **II. Formal Matters and Conclusion**

With respect to the rejections to the claims, the claims have been amended, above, to overcome these rejections. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections to the claims.

In view of the foregoing, Applicants submit that claims 18-38, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. Claims 1-17 have been cancelled and new claims 18-38 have been presented. Thus, the rejection under 35 U.S.C. 112, second paragraph made by the Examiner is rendered moot. Moreover, the objection to the claims has been overcome by the cancellation of claims 1-17 and the presentation of new claims 18-38. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.


Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

Please charge any deficiencies and credit any overpayments to Attorney's Deposit

Account Number 50-0510.

Respectfully submitted,

Dated: 7/14/06

  
Konstantina M. Katcheves  
Registration No. 54,818

Gibb I.P. Law Firm, LLC  
2568-A Riva Road, Suite 304  
Annapolis, MD 21401  
Voice: (410) 573-1528  
Fax: (301) 261-8825  
Customer Number: 29154

10/064,943

11